

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5556 of 1984

Date of decision: 11-09-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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R.K. SHAH

Versus

GUJARAT HOUSING BOARD  
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Appearance:

MR SM MAZGAONKAR for Petitioners  
MRS KETTY A MEHTA for Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/09/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioners, numbering four, filed this petition making grievance that the promotion of respondent No.3 on the post of Assistant Estate Manager is illegal and arbitrary. The contention is that the criteria for promotion was of merit cum seniority and the post on which promotion was to be made on the aforesaid criteria reservation could not have been given effect. On the other hand learned counsel for the respondents

contended that the petitioners' contention is not correct. The criteria for promotion to the post of Assistant Estate Manager was and is seniority cum merit and as such reservation has to be applied and it has been rightly applied in the case of respondent No.3.

2. In the reply to the writ petition respondent Corporation has very specifically stated that the criteria for promotion is of seniority cum merit. Learned counsel for the petitioners fairly conceded that in case the criteria for promotion is seniority cum merit then the petitioners have no case. The petitioners have not produced any material on record to show that the criteria for promotion to the post of Assistant Estate Manager was not seniority cum merit.

3. In the result this special civil application fails and the same is dismissed. Rule discharged. Interim relief granted by this court earlier stands vacated. No order as to costs.

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